

08/05/2005 16:23 88678 45
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GREAK AND SMIT
Hurley Packaging

PAGE 03

0000007

DELPHI DELCO ELECTRONICS SYSTEMS

DE WI FOR 406.05.01A

Direct Supplier Cancellation Claim Request

Effective Date: May 3, 1999

Page 1 of 5

NOTE: Pages 1 and 2 of this form are to be filled out by Supplier and sent to DE Buyer for processing. Shaded areas are for DE use only.

Log # (MPS)

Buyer Information:

Buyer Name D. Nelhart Phone 715/451-2609 FAX 765/451-0265 M.S. CTLLM

Supplier Name Hurley Packaging

Date 8/5/2005

Supplier Address P.O. Box 3667
Lubbock, Texas 79452

Purchase Order Number(s) 550049969

Supplier Duns Numbers: Scheduling 878755982 Shipping _____

Plant Code(s) of DE using factory(s) Delnosa Plant 5-6 DA31

Pull Signal Coordinator(s) _____

Part Number 16170697 Part description Chipboard partition

Part standard pack quantity 140

Quantity requesting cancellation settlement 23,593

Reason for cancellation (include ECO # or Customer Cancellation Request if applicable):
Not known why Delphi cancelled

Type of material (steel, plastic, precious metals, etc.): paper

Are there any hazardous concerns? Yes _____ No X

If Yes, describe the appropriate disposition process _____

Quantity that is approx. 2,660 X Part \$ 3.76 = \$ 10,000.00
completely fabricated Price (DE purchase price)

Indicate how the above quantity is calculated:
SPD or SDS Date and quantity

(3 weeks minimum: current week, week before, week after)

- Pulls shipped

(3 weeks minimum: current week, week before, week after)

- Other/Explain

- Location of Material

Lubbock, Texas 79423
(City, State, Country)

When printed, this document is uncontrolled unless identified as controlled by a Document Control Center.

Exhibit "A"

08/05/2005 16:23 80678 45

GREAK AND SMIT "C"
Hurley Packaging

PAGE 04
0042007

DELPHI DELCO ELECTRONICS SYSTEMS

DE WI FOR 406.05.01A

Direct Supplier Cancellation Claim Request

Effective Date: May 2, 1999

Page 2 of 5

Quantity that is partially fabricated

Log # (MPS)

Percent complete to finished state

\$ Value declared

Describe how quantity and cost are calculated

Location of Material

(City, State, Country)

Quantity of raw material and/or purchased parts

\$ Value declared

\$6,400.00

Describe how the value is calculated

Location of Material

Lubbock, Texas

(City, State, Country)

Total Quantity

23,593

(should equal "Quantity requesting cancellation settlement" above)

Total \$ Value Declared

\$88,709.68 total purchase price; Hurley due
\$40,000.00

Preparer's Name Jarrod Busby

Preparer's Signature

Preparer's Phone Number 806/783-0071

FAX 806/783-0045

Return completed form to the DE buyer of this material:

- Include a copy of Material Commitment Authorization (for MPS)
- Include copies of SPD or SPS used in calculations
- Do not destroy and/or sell claimable material until written approval is given by DE
- DE has the right to audit quantities declared

08/05/2005 16:23 80678' 45

GREGG AND SMIT 'C

PAGE 08

RI	C15PH102	16170697	50% PARTITION ASSHRE 00767514 PLANT 35	46,242 20,399 25,843 10/06/03 17404 220- 08/11/03 720 12/04/02 2,160 2,028	***** COMMITTED QUANTITIES RELEASED FOR FABRICATION ARE SHOWN BELOW *****	***** SCHEDULE BELOW FOR PLANNING ONLY DELCO NOT COMMITTED FOR MATERIAL *****
***** = NEW RELEASE						
CART NUMBER						
CURRENT REV.						
ALLOCATION						
DESCRIPTION						
ORDER NUMBER						
NEXT REV/DATE						
DELIVER TO						
NEW RELEASE NO.						
NEW RELEASE QTY						
TOTAL ORDERED						
TOTAL RECEIVED						
BALANCE TO SHEP						
PRIOR RELEASE						
LAST RECEIPTS						
FAST DUE						
12/29/03						
01/05/04						
01/12/04						
01/19/04						
01/26/04						
02/03/04						
02/09/04						
02/16/04						
02/23/04						
MARCH						
APRIL						
MAY						
JUNE						
BEYOND						
23,593						
MARCH						
APRIL						
MAY						
JUNE						
JULY						
AUGUST						
SEPTEMBER						
OCTOBER						
NOVEMBER						
DECEMBER						
JANUARY						

THIS DOCUMENT INCLUDES ANY NEW REQUIREMENTS CONTRACT RELEASES & PURCHASE ORDERS ISSUED ON OR BEFORE THE DATE OF THIS REPORT.

THIS SUPERSEDES ALL PREVIOUS RELEASES & SCHEDULES FOR THOSE PART NUMBERS LISTED.

ANY QUESTIONS, CONTACT-----> V. MENDOZA

PAGE 01

82405A

DELCO ELECTRONICS CORPORATION

SUPPLIER DELIVERY SCHEDULE
OPEN ORDER SUMMARY

HURLEY PACKAGING OF TEXAS INC
REDI PACKAGING
1603 E FARMERS MARKET STE 1585
PO BOX 3667
LUBBOCK TX 79452-3667
ATTN: TOM HURLEY 806-745-7611

12/27/03

Exhibit "B"

CAUSE NO. 2005-529,004

HURLEY PACKAGING OF TEXAS, INC. § IN THE 237th JUDICIAL DISTRICT
§
vs. § COURT IN AND FOR
§
DELPHI CORPORATION § LUBBOCK COUNTY, TEXAS

FILED FOR RECORD CO
DISTRICT CLERK LUBBOCK CO
BY 2005 JAN-14 PM 3:28
Lubbock County

PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES HURLEY PACKAGING OF TEXAS, INC., Plaintiff, complaining of DELPHI CORPORATION, Defendant, and for cause of action would show the Court as follows:

(1) Pursuant to Texas Rules of Civil Procedure 190.4, the Plaintiff elects to conduct discovery under Level 2 of this Rule.

(2) HURLEY PACKAGING OF TEXAS, INC., is a Texas Corporation (hereinafter "Hurley"), and conducts business in the State of Texas.

(3) DELPHI CORPORATION is a Delaware Corporation (hereinafter "Delphi"), and does not have a registered agent in the State of Texas. Plaintiff requests service upon The Corporation Company, which is the Michigan registered agent for Delphi. The Corporation Company may be served by certified mail, return receipt requested, at 30600 Telegraph Road, Bingham Farms, Michigan 48025.

(4) The Court has jurisdiction over the parties in that all parties are doing business within the State of Texas. The Court has jurisdiction over the subject matter in that the amount in controversy exceeds the minimum jurisdictional amounts allowed by law.

(5) Venue is proper in Lubbock County, Texas, because all or a substantial portion of the acts giving rise to the causes of action occurred within Lubbock County, Texas.

(6) Delphi ordered from Hurley various specially-manufactured boxes and packing material that Hurley provides. Delphi ordered only a portion of the materials that it agreed it would order. Specifically, attached hereto as Exhibit "A" and made a part hereof for all intents and purposes is a copy of a schedule agreement dated December 27, 2003, that shows the amount of materials to be ordered at \$46,242.00, and the remaining orders at \$23,593.00. Hurley also has specifically purchased materials from a paper mill to fulfill its obligations to Delphi.

(7) Delphi has failed and refused to complete its contract, thereby damaging Hurley.

(8) Therefore, Hurley sues Delphi for the sum of Forty Thousand Dollars (\$40,000.00) representing the specifically-ordered goods from the paper mill, and the loss of profits, for a total of Forty Thousand Dollars (\$40,000.00).

(9) All just and lawful credits, payments and offsets have been allowed to the Defendant on its indebtedness.

Attorney's Fees

(10) Hurley was required to hire the undersigned attorneys to represent Hurley in the prosecution of its claims against Defendant. Hurley is entitled to recover reasonable and necessary attorney's fees in the prosecution of this action. Hurley would show the Court that reasonable attorney's fees for the prosecution of this action against Defendant are as follows:

- A. For prosecution of this case to the trial court stage, \$30,000.00;
- B. For making or defending an appeal to the Court of Appeals, \$20,000.00;
- C. For making or defending an Application for Writ of Error to the Texas Supreme Court, \$15,000.00;
- D. For making or defending an appeal to the Texas Supreme Court in the event such Writ of Error is granted, \$15,000.00.

WHEREFORE, PREMISES CONSIDERED, the Plaintiff prays that citation be issued and served upon the Defendant, that upon final hearing the Plaintiff recover from Defendant the following:

- (1) Judgment in the amount of \$40,000.00;
- (2) Plus prejudgment and post-judgment interest as provided by law until paid;
- (3) For attorney's fees in the amount and upon the contingencies set forth above;
- (4) For all costs of court; and
- (5) For such other and further relief to which the Plaintiff may justly show itself entitled.

Respectfully submitted,

GREAK & SMITH, P.C.
A Professional Corporation
8008 Slide Road, Suite 33
Lubbock, Texas 79424-2828
806/783-0071 (Telephone)
806/783-0045 (Facsimile)


By: 
Nolan Greak
State Bar No. 08343200

EXHIBIT "A"

7/24/01. DZVL @ DELPHI, INC.

[illegible]

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Exhibits A thru C Pg 9 of 9

CAUSE NO. 2005- 529,004

HURLEY PACKAGING OF TEXAS, INC.

DELPHI CORPORATION

§
§
§
§
§

IN THE 237th JUDICIAL DISTRICT
COURT IN AND FOR
LUBBOCK COUNTY, TEXAS

FILED FOR RECORD CO.
DISTRICT CLERK LUBBOCK CO.
BY Susana
2005 JUN -4 PM 3:30
DEPUTY

CIVIL CASE INFORMATION SHEET

All original petitions filed in civil or family cases MUST be accompanied by: (1) an original *Case Information Sheet*, (2) the required number of copies of the information sheet to provide for service upon each defendant/respondent, (3) a copy of the form for delivery to the coordinator of the court, and (4) a copy for the Dispute Resolution Center. All such sheets shall be prepared by the attorney or pro se litigant. The data set forth in the information sheet must be accurate information as it exists at the time of filing. This form does not constitute a discovery request, response or supplementation, and is not admissible at trial.

Service must be obtained promptly. Documents for the following cases must be filed within 60 days of the filing date, or no answer has been filed or default judgment signed SIX (6) MONTHS from the filing date will be eligible for DISMISSAL FOR WANT OF PROSECUTION.

Type of Action: ☒ Commercial ☐ Personal Injury ☐ Death ☐ Other

Check all claims pled:

- | | | |
|---|--|--|
| <input type="checkbox"/> Account due | <input type="checkbox"/> Foreclosure | <input type="checkbox"/> Malpractice/Other |
| <input checked="" type="checkbox"/> Contract | <input type="checkbox"/> Forfeiture | <input type="checkbox"/> Note |
| <input type="checkbox"/> Declaratory judgment | <input type="checkbox"/> Fraud | <input type="checkbox"/> Premises liability |
| <input type="checkbox"/> Discrimination | <input type="checkbox"/> Garnishment | <input type="checkbox"/> Product liability |
| <input type="checkbox"/> Condemnation | <input type="checkbox"/> Insurance bad faith | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> DTPA | <input type="checkbox"/> Injunction /TRO | <input type="checkbox"/> Tax |
| <input type="checkbox"/> Employment discharge | <input type="checkbox"/> Malpractice/Legal | <input type="checkbox"/> Other (explain: e.g |
| <input type="checkbox"/> Expiration | <input type="checkbox"/> Malpractice/Medical | friendly suit) _____ |

Has this dispute previously been in the Lubbock county courts? ☒ No ☐ Yes _____

Monetary damages sought: ☒ Less than \$100,000 ☐ Greater than \$100,000 Discovery Level: 2

ADR: MEDIATION IS REQUIRED FOR ALL CONTESTED CASES

Nolan Greak / Greak & Smith, P.C. 08343200
(Printed Name of Attorney) Doc Number

Address: 9000 Slide Road, Suite 33, Lubbock, Texas 79424-2828

(806) 783-0071 (806) 783-0045 _____
Telephone Number Fax Number Email Address

FOR COURT USE ONLY

Track Assignment:

Level I _____

Level II _____

Level III _____

Date filed: _____

Date of Service: _____

Answer Date: _____

Scheduling Order due: _____

Trial Date: _____

Date DRC notified: _____

Date Attorney(s) notified of trial date: _____